

by Marti Shaffer

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General
JOHN S. GATSCHET
Deputy Attorney General
State Bar No. 244388
California Department of Justice
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 445-5230
Facsimile: (916) 327-2247
Attorneys for Complainant

**BEFORE THE
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1C-2014-34

NATASHA M. BAHM, HA
5464 Norway Drive
Orangevale, CA 95662

A C C U S A T I O N

Hearing Aid Dispenser License No. HA 7395

Respondent.

Complainant alleges:

PARTIES

1. Paul Sanchez ("Complainant") brings this Accusation solely in his official capacity as the Executive Officer of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board ("Board"), Department of Consumer Affairs.

2. On or about July 1, 2008, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board issued Hearing Aid Dispenser License Number HA 7395 to Natasha M. Bahm ("Respondent"). Unless it is renewed, the license will expire on July 31, 2016. There is no record of Board discipline against this license.

///

///

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2531.06 provides that the Board has jurisdiction over the licensing and regulation of hearing aid dispensers.

5. Section 2531.05 creates a Hearing Aid Dispensing Committee.

6. Section 2533 of the Code states:

"The board may refuse to issue, or issue subject to terms and conditions, a license on the grounds specified in Section 480, or may suspend, revoke, or impose terms and conditions upon the license of any licensee for any of the following:

"(a) Conviction of a crime substantially related to the qualifications, functions, and duties of a speech-language pathologist or audiologist or hearing aid dispenser, as the case may be. The record of the conviction shall be conclusive evidence thereof.

"...

"(c) (1) The use or administering to himself or herself, of any controlled substance; (2) the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in a manner as to be dangerous or injurious to the licensee, to any other person, or to the public, or to the extent that the use impairs the ability of the licensee to practice speech-language pathology or audiology safely; (3) more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section; or (4) any combination of paragraph (1), (2), or (3). The record of the conviction shall be conclusive evidence of unprofessional conduct.

"..."

7. Section 2533.1 of the Code states:

"A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, and duties of a speech-language pathologist or audiologist is deemed to be a conviction within the meaning of this article. The board may order a licensee be disciplined or denied a license as provided in Section 2533 when

1 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or
2 when an order granting probation is made suspending the imposition of sentence irrespective of a
3 subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or
4 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
5 dismissing the accusation, information or indictment."

6 8. California Code of Regulations, title 16, section 1399.132

7 "For the purpose of denial, suspension, or revocation of a hearing aid dispenser's license
8 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
9 crime or act shall be considered substantially related to the qualifications, functions, and duties of
10 a hearing aid dispenser if to a substantial degree it evidences present or potential unfitness of a
11 hearing aid dispenser to perform the functions authorized by his license in a manner consistent
12 with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to
13 those involving the following:

14 "(a) Any violation of the provisions of Sections 650, 651, 651.3 and 655.2 of the code.

15 "(b) Any violation of the provisions of Chapter 7.5, Division 2 of the Business and
16 Professions Code."

17 9. Section 125.3 of the Code states:

18 "(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary
19 proceeding before any board within the department or before the Osteopathic Medical Board, the
20 board may request the administrative law judge to direct a licentiate found to have committed a
21 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
22 investigation and enforcement of the case.

23 "(b) In the case of a disciplined licentiate that is a corporation or a partnership, the order
24 may be made against the licensed corporate entity or licensed partnership.

25 "(c) A certified copy of the actual costs, or a good faith estimate of costs where actual costs
26 are not available, signed by the entity bringing the proceeding or its designated representative
27 shall be prima facie evidence of reasonable costs of investigation and prosecution of the case. The
28

1 costs shall include the amount of investigative and enforcement costs up to the date of the
2 hearing, including, but not limited to, charges imposed by the Attorney General.

3 “(d) The administrative law judge shall make a proposed finding of the amount of
4 reasonable costs of investigation and prosecution of the case when requested pursuant to
5 subdivision (a). The finding of the administrative law judge with regard to costs shall not be
6 reviewable by the board to increase the cost award. The board may reduce or eliminate the cost
7 award, or remand to the administrative law judge where the proposed decision fails to make a
8 finding on costs requested pursuant to subdivision (a).

9 “(e) Where an order for recovery of costs is made and timely payment is not made as
10 directed in the board's decision, the board may enforce the order for repayment in any appropriate
11 court. This right of enforcement shall be in addition to any other rights the board may have as to
12 any licentiate to pay costs.

13 “(f) In any action for recovery of costs, proof of the board's decision shall be conclusive
14 proof of the validity of the order of payment and the terms for payment.

15 “(g)(1) Except as provided in paragraph (2), the board shall not renew or reinstate the
16 license of any licentiate who has failed to pay all of the costs ordered under this section.

17 “(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or
18 reinstate for a maximum of one year the license of any licentiate who demonstrates financial
19 hardship and who enters into a formal agreement with the board to reimburse the board within
20 that one-year period for the unpaid costs.

21 “(h) All costs recovered under this section shall be considered a reimbursement for costs
22 incurred and shall be deposited in the fund of the board recovering the costs to be available upon
23 appropriation by the Legislature.

24 “(i) Nothing in this section shall preclude a board from including the recovery of the costs
25 of investigation and enforcement of a case in any stipulated settlement.

26 “...”

27 ///

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 (The Personal Use and Administering of a Controlled Substance)

3 10. Respondent's license is subject to disciplinary action under section 2533, subdivision
4 (c)(1) in that Respondent personally used methamphetamine. The circumstances are as follows:

5 11. On April 29, 2014, an Officer¹ from the Folsom Police Department ("Folsom
6 Officer") observed Respondent seated in the passenger seat of a Dodge Charger which had parked
7 in the loading ramp behind a Petco. The Folsom Officer's partner smelled the odor of marijuana
8 emanating from the vehicle. Respondent admitted that she had a small amount of marijuana in
9 the vehicle. During a search of the vehicle, the Folsom Officer discovered a small bag of
10 methamphetamine contained in a glasses case located inside Respondent's purse. Respondent
11 was placed under arrest. During the booking procedure, Respondent gave the Folsom Officer a
12 methamphetamine pipe she had stuffed into the front of her shorts. Respondent admitted to using
13 methamphetamine to lose some weight.

14 12. On May 13, 2014, Respondent was charged in a criminal complaint in Sacramento
15 Superior Court case number 14M03438 with a misdemeanor violation of possession of
16 methamphetamine and a misdemeanor violation of possession of drug paraphernalia as a result of
17 her arrest on April 29, 2014. On July 7, 2014, Respondent pled no contest to the misdemeanor
18 violation of possession of drug paraphernalia and received diversion. The possession of
19 methamphetamine charge was dismissed. It was noted on the minute order that she had possessed
20 .08 grams of methamphetamine at the time of her arrest. On September 9, 2015, further criminal
21 proceedings were instituted after Respondent failed to appear.

22 13. On November 6, 2014, at approximately 11:29 p.m., an Officer from the Roseville
23 Police Department ("Roseville Officer") observed Respondent sleeping in a Chevy Tahoe behind
24 a closed Costco. Respondent told the Roseville Officer that she had methamphetamine in her bra.
25 Respondent reached in her bra and then gave the Roseville Officer a rolled paper towel
26 containing methamphetamine residue. Respondent was arrested but not charged.

27 _____
28 ¹ All Witnesses will be identified in Discovery.

1 14. Respondent's conduct as described above constitutes the personal use of a controlled
2 substance and constitutes unprofessional conduct in violation of section 2533, subdivision (c)(1),
3 of the Code and provides cause for discipline to Respondent's license.

4 **SECOND CAUSE FOR DISCIPLINE**

5 (Conviction of a Crime Substantially Related to the Qualifications, Functions and Duties of a
6 Licensed Hearing Aid Dispenser)

7 15. Respondent is subject to disciplinary action under section 2533, subdivision (a), in
8 that she was convicted of a crime substantially related to the qualifications, functions and duties
9 of a licensed hearing aid dispenser. The circumstances are as follows:

10 16. Complainant realleges paragraphs 10 through 14, and those paragraphs are
11 incorporated by reference as if fully set forth herein.

12 17. Respondent's conduct as described above constitutes the conviction of a crime
13 substantially related to the qualifications, functions, and duties of a licensed hearing aid dispenser
14 and constitutes unprofessional conduct in violation of section 2533, subdivision (a), of the Code
15 and provides cause for discipline to Respondent's license.

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Speech-Language Pathology and Audiology and Hearing Aid
4 Dispensers Board issue a decision:

5 1. Revoking or suspending Hearing Aid Dispenser License Number HA 7395, issued to
6 Natasha M. Bahm;

7 2. Ordering Respondent to pay the Speech-Language Pathology and Audiology and
8 Hearing Aid Dispensers Board the reasonable costs of the investigation and enforcement of this
9 case, pursuant to Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.

11
12 DATED: 12.15.15



13 PAUL SANCHEZ
14 Executive Officer
15 Speech-Language Pathology and Audiology and Hearing
16 Aid Dispensers Board
17 Department of Consumer Affairs
18 State of California
19 Complainant

20 SA2015303050
21 32296687.doc
22
23
24
25
26
27
28